

## **Board of Cosmetologist Examiners**

### **Meeting Minutes**

**May 2, 2011 – 9:00 AM, Conference Room A, 4<sup>th</sup> Floor**

#### Call to Order

Kurt Deile, chairperson of the Board of Cosmetologist Examiners, called the meeting to order at 9:06 AM on May 2<sup>nd</sup>, 2011.

#### Approval of Proposed Agenda

Bob Salmonson made a motion to accept the agenda as prepared. Mary Finnegan seconded. Motion carries.

#### Approval of Minutes

BS noted that minutes from February 7, 2011, show that KD made motions in the Administrative Reports and Adjournment sections of the meeting though he was absent. KD will be changed to BS.

BS made a motion to accept the minutes as amended. MF seconded. Motion carried.

#### Old Business

#### New Business

##### In-house Requests

##### A. Regulated vs. Non-regulated Practice

Board staff asked the Board to discuss issues of scope of practice in esthiology, especially concerning what is/how to define regulated and non-regulated practice.

Michele Owen: Board should refer to specific laws and rules as several non-regulated practices are defined explicitly. If there is uncertainty, the Board can go through rule making if there is a reasonable basis to make a change to better match the mission of BCE. Esthetic activities taught in schools are regulated in Chapter 2110, but in very broad terms. Owens has other clients that will not give advisory opinions to avoid advising licensees to perform non-regulated services on accident. She advises the Board and staff review Rule 2114.001 on how to extend Board authority for future action.

MF: the rules have not kept up with the practice of esthiology; practices done by estheticians in salons expands far beyond what is taught and regulated.

MO: the Board should review laws and rules to draw distinction between what it feels should be regulated and what it has legal authority to regulate.

MF: the medical esthetician issue is an example of confusion can come from not defining what should be regulated. Currently, medical offices employing estheticians do not need to

be licensed as salons when the esthetician is under a doctor's delegation, however, there is no medical esthetician license and there is a blurred line in what tasks should be performed by doctors or estheticians.

Gina Stauss Fast: Both Medical Practice and Nursing have dealt with use of lasers as a scope of practice issue. Practice and regulation/regulatory authority is not clearly defined in their statutes. Discussion generally reveals that Boards would not like to define specific elements in rule and law so distinctly when no other activities are defined.

MO: the Board should check with other federal and governmental agencies to see if another agency has authority over activities in question.

GSF: When there is no definition of regulated versus non-regulated activity, inspections are difficult because all salons must post any unregulated services offered at the salon. Should salons only need to list those non-regulated services bulleted in laws and rules that need to be listed?

MO: Salons should be referred to the Rules and Laws, it should be their responsibility to decide what activities appear on their list of non-regulated activities.

MF: feels there is a need for the Board to define esthetician, address industry education components, and adopt a 2-tier esthetician license to determine what can be practiced in esthetician salon versus a doctor's office.

GSF: No specific example of a Board acting under Chapter 2114 to refer to, but has discussed scope of practice issues generally with other directors for how to approach definitions. A memo could be sent to schools to figure out what is currently being taught at schools and how well these activities match those defined in rules and laws. No legislation would be pursued until 2012.

**No motion made.**

Board staff will refer to rules and laws when licensees have questions on esthetician tasks. The Board will establish a committee/task force to determine what should be taught in the 600 hour esthetician training. A draft of task force guidelines will be presented at July meeting for approval or change.

Directives for creation of the task force will be determined in July.

Break

KD called for a break at 10:25 AM.

KD called the meeting back to order at 10:33 AM.

New Business

B. Estheticians working in medical units

Staff asked the Board to discuss people licensed as cosmetologists working in a physician's office. Can a cosmetologist work in a medical office to perform skin care or only a licensed esthetician?

GSF: will salon experience hours—required for license renewal—earned in a physician’s office count towards a cosmetologist license or only esthetician licenses if the office is not licensed as esthetician salon? Should anything be done in order to stop people from calling themselves a medical esthetician, as there is no such license?

**No motion made.**

GSF: A physician’s office employing a licensed cosmetologist must possess a salon license for the licensee to accrue hours for renewal. A physician’s office employing an esthetician does not need to possess a salon license for the licensee to accrue hours towards renewal, as defined in rules and laws.

Board staff will post the draft memo on medical estheticians to the BCE website.

C. Brazilian Blowout

Brazilian Blowout is a hair chemical hair straightening process that agencies in several states have made statements on possible dangers in performing the process. Staff asked the Board to discuss how to inform the public and licensees on concerns over this practice.

**No motion made.**

The Board will publish the draft position statement as presented to the Board with several grammatical changes from MO.

D. Julie Costello

Instructor Waiver – financial hardship

BS made a motion to waive the requirements of a refresher course and exams to reinstate JC’s cosmetologist operator license; waiver granted for hardship. MF seconded. **Motion carried.**

E. Marjorie Bunting

Instructor Waiver – financial hardship

Laurie Boggess made a motion to waive the requirements of a refresher course and exams to reinstate MB’s cosmetologist operator license; waiver granted for hardship. MF seconded. **Motion carried.**

F. Hollie Parzyck

Waiver for extension of three year period to be licensed after graduation from school.

HP: has passed all written exams, completed schooling hours and completed certification of skills more than 3 years ago.

MF made a motion to allow HP to obtain her license if she meets the following conditions by 12/31/2011: complete a 155 hour refresher course, complete certification of skills and pass both written exams; waiver granted for hardship. LB seconded. **Motion carried.**

G. Melissa Hadaway

Waiver of rule that requires a refresher course or experience to renew an esthetician license.

MH has not been able to find work in the field in three years/since graduation. Has interviewed for a job to begin as a sales associate to turn into an esthetician job with in-house training.

MF: MH should take a refresher as she has not worked in the field since graduation. Under

normal rules, she has three years to complete the refresher and apply for her license.

LB made a motion to deny the request for a waiver. MF seconded. **Motion carried.**

H. Jennifer Cleasby

Waiver of requirement to have 2700 hours of salon experience to obtain school manager license.

JC: experienced heel injury that prevented her from working during the three year period preceding renewal time. JC has been working in a salon setting since February and has accrued enough hours to take instructor course (1400 hours required) and renew instructor license. JC can currently work 30-40 hours per week.

MF: calculated the JC will be about 900 hours short of acquiring her school manager license. BS made a motion to grant the waiver on medical need if JC is licensed by 8/2/2011 (it will be her responsibility that materials are submitted with ample time to be processed and license granted by that date). LB seconded. **Motion carried.**

I. Shirley Johnson

Waiver of 2700 hours of salon experience in three years prior to application for a CID.

SJ: took time away from hair industry to work as Certified Nursing Assistant (CAN). Has been working in a salon for 20 hrs./ week since January 2011.

BD made a motion to waive the requirement of 2700 hours in the past three years to obtain a CID. LB seconded. **Motion carried.**

Administrative Reports

Adjournment

BS called to adjourn the meeting at 11:49 AM. MF seconded. Motion carried.